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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,262	12/22/2003	Asko Lauri Antero Vetelainen	KOLS.079PA	4470

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Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

WEBER, CHRISTOPHER STEVEN

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/743,262

Applicant(s)

VETELAINEN, ASKO LAURI
ANTERO

Examiner

Christopher S. Weber

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment filed on December 18th, 2006 in which applicant responds to claim rejections. Claims 1-12 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokipii et al. US Publication 2003/0190960 (hereinafter Jokipii).

3. Regarding at least claims 1 and 4, Jokipii discloses a method of initiating a multiplayer game; providing and receiving a calendar item comprising a time for a gaming session and storing that item in the gaming application (acting as the calendar application), Fig 5 items 404, 410 and 414; displaying an alarm on the display device when the gaming session is due, the alarm comprising a query regarding participation, replying to the query and starting the game in response to a positive reply, [0041]. Regarding whether the above mentioned limitation are in a server or a gaming device, Jokipii teaches that a gaming device could include desktop, laptop, tablet, PDA, phone,

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etc, [0030] and that any portion of any mentioned limitation can be wholly or partially on either the gaming device or the server, [0009].

4. Regarding at least claim 2, Jokipii discloses the sending and receiving of messages including the calendar item, [0034] and [0035].

5. Regarding at least claim 3, Jokipii discloses the calendar item includes information regarding a server – Jokipii discloses that there could be multiple servers for various games and including information about the game would provide information about a server, Fig 1, Fig 5, [0047].

6. Claims 5-8 are directed to a device of the method of claims 1-4, and claims 9-12 are directed to a computer program of the method of claims 1-4. Jokipii teaches the method of claims 1-4. Therefore, Jokipii teaches a device as set forth in claims 5-8 and a computer program as set forth in claims 9-12.

7. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

8. Applicant's arguments, see Remarks/Arguments Paragraph 2, filed December 18th 2006, with respect to the rejection(s) of claim(s) 1-12 under 35 U.S.C. 102(b) in view of Takahashi have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 102(e) in view of Jokipii.

Citation of pertinent prior art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

10. Kim US 2002/0160838. Kim '838 discloses an instant messaging system and support for online gaming. Kim '838 discloses a player sending a message to an opponent and the on-line game executing automatically with an approval signal from the opponent.

11. Hardisty US 2004/0152517. Hardisty '517 discloses an internet based multiplayer game that determines user availability and uses a messaging system to set up matches.

12. Nguyen US 2005/0043088. Nguyen '088 discloses a tournament gaming system and method where a network tournament is scheduled, players are notified, and the tournament starts automatically with a positive reply from the player. Nguyen '088 also discloses that the network can be wired or wireless and can be composed of any type of computing device such as a stationary or portable console, casino game, or computer.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Weber whose telephone number is 571-272-3064. The examiner can normally be reached on Monday - Friday 7am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSW

Ronald Honeau
Primary Examiner
3/17/07